

**CITY OF DELTONA, FLORIDA  
REGULAR CITY COMMISSION MEETING  
MONDAY, FEBRUARY 4, 2013**

A Regular Meeting of the Deltona City Commission was held on Tuesday, February 4, 2013 at the City Hall Commission Chambers, 2345 Providence Boulevard, Deltona, Florida.

**1. CALL TO ORDER:**

The meeting was called to order at 6:32 p.m. by Mayor Masiarczyk.

**2. ROLL CALL:**

Mayor	John Masiarczyk	Present
Vice Mayor	Zenaida Denizac	Present
Commissioner	Webster Barnaby	Present
Commissioner	Heidi Herzberg	Present
Commissioner	Fred Lowry	Present
Commissioner	Chris Nabicht	Present
Commissioner	Nancy Schleicher	Present
Deputy City Manager	Dave Denny	Present
City Attorney	Becky Vose	Present
City Clerk	Joyce Kent	Present

Also present: Planning & Development Services Director Chris Bowley; Deputy Fire Chief Robert Rogers; and VCSO Captain Dave Brannon.

**3. INVOCATION AND PLEDGE TO THE FLAG:**

Invocation presented by Commissioner Lowry.

Kasia Soto from Deltona Middle School sang the National Anthem.

**4. APPROVAL OF MINUTES & AGENDA:**

**A. Minutes:**

**1. Regular City Commission Meeting – January 22, 2013.**

**Motion by Commissioner Herzberg, seconded by Commissioner Schleicher to approve the minutes of the Regular City Commission Meeting of January 22, 2013 as presented.**

**Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

**B. Additions or Deletions to Agenda:**

Mayor Masiarczyk stated that after the agenda is completed there is a statement that he would like to read before City Commission comments, Item 10-B, and there was no objection from the

Commission.

**5. PRESENTATIONS/AWARDS/REPORTS:**

**A. Presentation - Super Star Student of the Month Certificates for January 2013.**

Mayor Masiarczyk and Commissioners presented Super Star Students of the Month certificates for January 2013.

**B. Proclamation - School Crossing Guard Week - February 4, 2013, through February 10, 2013.**

Mayor Masiarczyk and Commissioners presented Captain Brannon and representatives from the VCSO School Crossing Guard department with a City of Deltona Proclamation declaring February 4, 2013 through February 10, 2013 as "School Crossing Guard Week" in Deltona.

**C. Presentation - Quarterly Reports of City Advisory Boards/Committees.**

Deltona Economic Development Advisory Board (DEDAB) Vice Chairman Rick Demeter presented the DEDAB and the DEDAB Sub-committees Quarterly Reports covering the fourth quarter of 2012.

Planning and Zoning (P&Z) Board Chairman Tom Burbank presented the P&Z Quarterly Report covering the fourth quarter of 2012.

A written Quarterly Report was submitted from the William S. Harvey Deltona Scholarship Advisory Board covering the fourth quarter of 2012.

**6. PUBLIC FORUM – Citizen comments for items not on the agenda.**

a) Ron Saylor, 361 Dixon Street, Councilman Orange City, thanked the Commission for their support at the West Volusia Summit.

b) Nick Pizza, 689 Deltona Boulevard, Deltona against bullying, provided an update on Deltona Anti-Bullying. He stated that the organization Deltona Against Bullying is establishing a pilot program at Heritage Middle School, that there is an Alumni Battle of the Boulevard football game between Deltona High School & Pine Ridge High School alumni at Deltona High School on Saturday February 9, 2012 at 3 p.m., and that tickets for the game are on sale for \$7 each or 2 for \$10 dollars which can be purchased at the gate or at 689 Deltona Blvd.

c) Michael Woods, 351 E. New York Avenue, Suite 200, Deland Chamber and Orange City Alliance, thanked the Commission for participating in last Saturday's West Volusia Summit.

d) Sydney Edwards, 1785 East Chapel Drive, stated that although the new solid waste pick-up schedule started off good, for the last two (2) weeks his yard waste was not picked up. He also stated that at the last meeting the Commission discussed the "Think Before You Throw" program and placing signs around Deltona. Mr. Edwards suggested a poster contest in schools with the winning poster and artist being recognized at a Commission meeting.

**7. CONSENT AGENDA**

Mayor Masiarczyk read the title of each item on the Consent Agenda.

**Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to approve Consent Agenda Items as presented.**

**Motion carried with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

**\*A. Request for approval of fee waiver - Deltona Little League Opening Day Parade.**

**Approved by Consent Agenda – to authorize staff to waive all fees (police, fire, parks, etc.) associated with the Deltona Little League Opening Day Parade.**

**\*B. Request for approval to Transfer Funds for Pension and Labor Legal Services to the Legal Department.**

**Approved by Consent Agenda – to approve a budget transfer in the amount of \$40,000 to move budgeted funds from Human Resources - Professional Services budget to Legal - Labor Attorney budget; and to also approve a budget transfer in the amount of \$20,000 to move budgeted funds from Finance - Other Contractual Services budget to Legal - Other Contractual Services budget.**

**8. ORDINANCES AND PUBLIC HEARINGS:**

**A. Public Hearing – Ordinance No. 01-2013, Amending and revising Article VIII, "Rental Properties", of Chapter 22, Businesses, of the City's Code of Ordinances, to revise the date of application and matters of delinquencies, revocation and penalties, for first reading.**

**Motion by Commissioner Nabicht, seconded by Commissioner Herzberg to adopt Ordinance No. 01-2013 at first reading, and to schedule second and final reading for February 18, 2013.**

Mayor Masiarczyk opened the public hearing.

Former Commissioner Herb Zischkau, 2760 Pine Grove Avenue, stated that the way the current Ordinance reads it is unclear as to whether the tax is for the business owner or for each property owned.

Mrs. Vose stated that the intent of the ordinance probably could be stated more clearly.

The Commission directed Mrs. Vose to reword the ordinance before it is presented for second reading on February 18, 2013.

Mayor Masiarczyk closed the public hearing.

Mrs. Vose read the title of Ordinance No. 01-2013.

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 22, "BUSINESSES" BY AMENDING ARTICLE VIII, "RENTAL PROPERTIES," TO REVISE THE DATE OF APPLICATION, AND TO REVISE MATTERS OF DELINQUENCIES, REVOCATION AND PENALTIES, PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY AND FOR AN EFFECTIVE DATE.**

**Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

Ordinance No. 01-2013 was adopted at the first reading at 7:40 p.m.

**B. Public Hearing - Ordinance No. 03-2013, Amending Chapter 46 of the City's Code of Ordinances, pertaining to the Firefighters' Pension Plan, at first reading and to schedule second and final reading for February 18, 2013.**

**Motion by Commissioner Nabicht seconded by Commissioner Lowry to adopt Ordinance No. 03-2013 at first reading, and to schedule second and final reading for February 18, 2013.**

Mayor Masiarczyk opened and closed the public hearing as there were no public comments.

Mrs. Vose read the title of Ordinance No. 03-2013.

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING CHAPTER 46, ARTICLE II, FIREFIGHTERS' PENSION PLAN, OF THE CODE OF ORDINANCES OF THE CITY OF DELTONA BY AMENDING SECTION 46-26, DEFINITIONS; PROVIDING FOR SEVERABILITY OF PROVISIONS; REPEALING ALL ORDINANCES IN CONFLICT HERewith AND PROVIDING AN EFFECTIVE DATE.**

**Motion carried unanimously with members voting as follows: Commissioner Barnaby, For; Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For; Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

**9. OLD BUSINESS:** None.

**10. NEW BUSINESS:**

**A. Discussion re: donation of property located at 1221 Abigail Drive.**

The Commission discussed the research the City Manager and staff provided on 1221 Abigail Drive and future use options and concerns with accepting the property: costs to tear down, City liability, home becoming a blight and nuisance to the City, area zoning, and maintenance of the property if the City accepts the donation. Possible solutions mentioned were: having the owner

1 contact Habitat for Humanity to see if they wanted the property or for the City to use the  
2 property for firefighter training.

3  
4 Deputy Chief Rogers stated that the property definitely could be used to train firefighters in  
5 forced entry techniques and for other firefighter training.

6  
7 Commissioner Lowry asked if Chief Rogers has had the opportunity to look at the property and  
8 Chief Rogers replied no, that he had not been over to see the property yet.

9  
10 **Motion by Commissioner Lowry seconded by Commissioner Barnaby to table the donation**  
11 **of the property located at 1221 Abagail Drive until the Fire Department has had the**  
12 **opportunity to take a look at the property for potential Fire Department training and to**  
13 **bring back a recommendation to the Commission.**

14  
15 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
16 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**  
17 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

18  
19 **B. Add On Agenda Item – resignation of City Manager.**

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21 Mayor Masiarczyk read a resignation request provided to him verbally by Ms. Faith Miller and  
22 the Commission discussed Ms. Miller's request and the Commission's options.

23  
24 **Motion by Commissioner Herzberg, seconded by Commissioner Nabicht that effective**  
25 **immediately all aspects of the City Manager's employment separation agreement be**  
26 **approved and all benefits received, the City Manager is willing to tender her resignation of**  
27 **her position as City Manager of the City of Deltona so that the City can continue to move**  
28 **forward with the great work that has been accomplished in the last few years.**

29  
30 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
31 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**  
32 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

33  
34 **Motion by Commissioner Herzberg, seconded Commissioner Schleicher to appoint Deputy**  
35 **City Manager William "Dave" Denny as the Acting City Manager effective immediately**  
36 **until the time the City Commission hires a new City Manager.**

37  
38 **Motion carried unanimously with members voting as follows: Commissioner Barnaby, For;**  
39 **Commissioner Herzberg, For; Commissioner Lowry, For; Commissioner Nabicht, For;**  
40 **Commissioner Schleicher, For; Vice Mayor Denizac, For; and Mayor Masiarczyk, For.**

41  
42 **11. CITY COMMISSION COMMENTS:**

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44 a) Commissioner Lowry stated that he felt last week's Water Rate Study Workshop was a very  
45 positive thing and congratulated everyone for working so hard on improving water rates for Deltona  
46 residents. He also thanked everyone for serving on all of Deltona's various Boards, and that he  
47 would like to see Deltona get back to managing the City in accordance with the City Charter and to  
48 keep the City Charter in mind in the days ahead.

1  
2 b) Commissioner Schleicher stated that she was pleased with the progression of where the  
3 Commission is going with the Water Rate Study and direction the water rates are going, that the  
4 West Volusia Summit on Saturday was a fabulous meeting, that Orange City did a great job hosting,  
5 and encouraged staff to obtain a copy of the River of Lakes Heritage video on the DTV Bright  
6 House Channel 199. She also stated that the Team Volusia annual meeting was very interesting and  
7 that one of the things mentioned, which is going to be very difficult to accept is that when it comes  
8 to economic development you have to be patient, it's not going to happen overnight.  
9

10 c) Commissioner Nabicht stated that he attended the 15<sup>th</sup> Annual Firefighter Pension meeting  
11 last Monday night and thanked the Commission for passing Ordinance No. 03-2013. He felt the  
12 West Volusia Summit was hugely educational for him as a new Commissioner, that Deltona needs  
13 to work with Orange City, DeBary and DeLand concerning transportation needs, and that Deltona  
14 will make or break Sunrail. Deltona has a great majority of people that go West for employment on  
15 a daily basis and Deltona needs to work with various politicians to get the intermodal transportation  
16 established for all of Deltona, like VOTRAN, that will be needed to use Sunrail. He stated that he  
17 supports Deltona hosting a West Volusia Summit in the future, and that he would not be able to  
18 attend the Volusia Transportation Planning Organization (VTPO) retreat on Friday due to family  
19 issues.  
20

21 d) Commissioner Herzberg stated that the West Volusia Summit was great, that she can't wait  
22 until they have another one, and that Deltona was well represented. Team Volusia's annual meeting  
23 was also very interesting, that it was a reality check on economic development and site searches that  
24 everyone needs to understand economic development and why businesses go where they go. She  
25 also attended the County Council's Community Redevelopment Agency (CRA) meeting on  
26 Thursday where Deltona also had a good showing and that she felt Deltona's comments were well  
27 received. She stated that she attended a spay and neuter ordinance meeting with staff and the  
28 Halifax Humane Society who mentioned that they had a transport vehicle for transporting dogs and  
29 cats but they needed a truck to pull it. During the meeting Mr. Baker mentioned that the City has  
30 several vehicles getting ready to go up for auction and Halifax Humane Society offered Deltona in-  
31 kind surgery services (spay & neuter) if Deltona would donate one of their vehicles going up for  
32 auction to the Humane Society.  
33

34 **Commissioner Herzberg proposed that the Commission accept the offer by the Halifax**  
35 **Humane Society for in-kind services in exchange for one of the City's F250 vehicles going up**  
36 **for auction. The Commission concurred and suggested Commissioner Herzberg put together**  
37 **a one page document for review and to have the issue added to a future Commission meeting.**  
38

39 e) Commissioner Barnaby stated that it was nice to see a Councilman from Orange City in  
40 attendance tonight. In honor of Black History month he suggested that all Deltona residents go out  
41 and visit a church, a synagogue or house of worship that you don't normally go to and to be proud  
42 of America's diversity. He stated that he is proud to be an unhyphenated American and that it is  
43 beautiful to show random acts of kindness. He also encouraged everyone to be at the Deltona Anti-  
44 Bullying Rally at Deltona High School on February 9<sup>th</sup>. He discussed the Volusia ECHO Advisory  
45 Committee meeting and Deltona having the economic engine that they want to influence economic  
46 development, and how Deltona needs to be humble and accept the fact that Deltona is well known  
47 to people around the world as a suburb of Daytona Beach, the most recognized city in Volusia  
48 County. He discussed making changes to the Comprehensive Plan and that City leaders need to be  
49 visionaries who write an understandable vision for Deltona residents. He also thanked Deltona's

children and all the public who attended the meeting.

f) Vice Mayor Denizac stated God Bless America, she apologized for coughing during the meeting but stated that she has been sick for over a month. She thanked the Council member from Orange City for attending and that she is proud that he attended a Deltona meeting. She stated that the Commission acted with grace and maturity during the meeting and that in retrospect Deltona is growing up and the City will soon be an adult. She thanked Mr. Denny for accepting the nomination as Acting City Manager. She discussed how great the West Volusia Summit was, and that she wants Sunrail. However, for Sunrail to be successful transportation needs to be expanded so the residents can take advantage of it. Commissioner Denizac closed her comments with God Bless Deltona, and by thanking the Mayor.

g) Mayor Masiarczyk stated that the West Volusia Summit was great, however over a period of time it morphed into a larger attendance but he encourages Deltona to host a TriCity Summit to discuss Southwest Volusia issues that need in depth discussion. He mentioned attending a meeting with Mr. Denny and discussing the golf and country club's, Deltona Club, Consumptive Use Permit (CUP) application and the possibility of supporting a grant for the Country Club to build a water reservoir for storing reused water. This would have the possibility of benefiting the residents of Deltona because the country club would not be taking approximately 25 million gallons a year out of the aquifer. Mayor Masiarczyk mentioned working with State Representative David Santiago regarding naming the Deltona portion of State Road 415 after David D. Ledgerwood, the second Deltona resident killed in Viet Nam.

**12. CITY ATTORNEY COMMENTS:** None.

**13. CITY MANAGER COMMENTS:**

Mr. Denny thanked the Commission for their vote of confidence in him tonight and stated that he would be in contact with each Commissioner shortly to discuss the direction Deltona is going.

Mayor Masiarczyk requested Mr. Denny call Ms. Miller and inform her of the vote.

Mr. Doug MacDonald 1179 Balfour Drive, started to discuss Agenda Item 8-B, Ordinance No. 03-2013, however, Mayor Masiarczyk informed him that the Commission already voted on the ordinance and that if Mr. MacDonald would contact him after the meeting they could discuss it before the ordinance came up for second reading.

**14. ADJOURNMENT:**

There being no further business, the meeting adjourned at 8:40 p.m.

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**John Masiarczyk Sr., MAYOR**

**ATTEST:**

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**Mitch Honaker, DEPUTY CITY CLERK**